

Accident Reporting and Your Responsibilities

If you have ever been in a personal car accident involving damage or injury, your private insurer probably required you to report the incident as soon as possible to allow them to investigate and determine liability. If you are involved in an accident that could result in a claim for or against the U.S. Government, you have a duty to ensure that the matter is reported promptly to the appropriate Government Claims Office.

The U.S. Government, including the Department of Defense, is self-insured. The Army is responsible for investigating, evaluating, and determining liability for loss or damage to property, injury, and wrongful death caused by Army and DoD activities assigned to units in the Netherlands. The Claims Office at the Netherlands Law Center is responsible for ensuring that such incidents are properly investigated and evaluated for liability for incidents occurring in the Netherlands.

If you are involved in or know of an accident involving Servicemembers or Government employees, which results in loss or damage to property or personal injury or death:

- You should immediately notify your chain of command. Reporting such incidents is for your protection.
- If you are personally involved in the accident, your supervisor should complete a statement concerning your scope of employment at the time of the incident.
- If the matter involves a traffic accident, the Standard Form (SF) 91 should be completed. Supervisors should complete blocks 71-82 to address scope of employment.
- For other types of incidents, your supervisor may have to complete a narrative statement.
- Servicemembers and Government employees are immune from claims from third parties or lawsuits for loss, damage, or injury attributable to acts performed in the scope of the Servicemember's or employee's military or work duties.

Commanders and leaders of Army and DoD organizations or activities are responsible for investigating incidents involving their Soldiers, employees, or equipment that may give rise to claims for or against the United States. Such incidents can occur as a result of falls or other accidents on Government facilities or property. Property damage and injuries sustained by customers, including retirees, generally require investigation under either the Federal Tort Claims Act (FTCA) or Military Claims Act (MCA). Prompt identification of these incidents is critical to establish facts necessary for proper liability determination.

Work-related injuries are not considered under the FTCA or MCA, but should be reported immediately to the employee's servicing personnel office as a worker's compensation claim.

Immediately upon identification of a potential claim, a commander, supervisor, or the leader of an activity should contact the Claims Office at the Netherlands Law Center. For questions regarding potential claims arising from Army or DoD activities, you may call our office at: DSN 360-7683 or Commercial 31 (0) 46-443-7683.